

## CRAVATH, SWAINE & MOORE LLP

WORLDWIDE PLAZA  
825 EIGHTH AVENUE  
NEW YORK, NY 10019-7475

TELEPHONE: (212) 474-1000  
FACSIMILE: (212) 474-3700

CITYPOINT  
ONE ROPEMAKER STREET  
LONDON EC2Y 9HR  
TELEPHONE: 44-20-7453-1000  
FACSIMILE: 44-20-7860-1150

WRITER'S DIRECT DIAL NUMBER

(212) 474-1422

STUART W. GOLD  
JOHN W. WHITE  
EVAN R. CHESLER  
MICHAEL L. SCHLER  
RICHARD LEVIN  
KRIS F. HEINZELMAN  
B. ROBBINS KIESSLING  
ROGER D. TURNER  
PHILIP A. GELSTON  
RORY O. MILLSON  
FRANCIS P. BARRON  
RICHARD W. CLARY  
WILLIAM P. ROGERS, JR.  
JAMES D. COOPER  
STEPHEN L. GORDON  
DANIEL L. MOSLEY  
PETER S. WILSON  
JAMES C. VARDELL, III  
ROBERT H. BARON  
KEVIN J. GREHAN  
STEPHEN S. MADSEN  
C. ALLEN PARKER  
MARC S. ROSENBERG  
SUSAN WEBSTER

DAVID MERCADO  
ROWAN D. WILSON  
CHRISTINE A. VARNEY  
PETER T. BARBUR  
SANDRA C. GOLDSTEIN  
THOMAS G. RAFFERTY  
MICHAEL S. GOLDMAN  
RICHARD HALL  
JULIE A. NORTH  
ANDREW W. NEEDHAM  
STEPHEN L. BURNS  
KEITH R. HUMMEL  
DANIEL SLIFKIN  
ROBERT I. TOWNSEND, III  
WILLIAM J. WHELAN, III  
SCOTT A. BARSHAY  
PHILIP J. BOECKMAN  
ROGER G. BROOKS  
WILLIAM V. FOGG  
FAIZA J. SAEED  
RICHARD J. STARK  
THOMAS E. DUNN  
MARK I. GREENE  
SARKIS JEBELIAN

DAVID R. MARRIOTT  
MICHAEL A. PASKIN  
ANDREW J. PITTS  
MICHAEL T. REYNOLDS  
ANTONY L. RYAN  
GEORGE E. ZOBITZ  
GEORGE A. STEPHANAKIS  
DARIN P. MCATEE  
GARY A. BORNSTEIN  
TIMOTHY G. CAMERON  
KARIN A. DEMASI  
LIZABETHANN R. EISEN  
DAVID S. FINKELSTEIN  
DAVID GREENWALD  
RACHEL G. SKAISTIS  
PAUL H. ZUMBRO  
JOEL F. HEROLD  
ERIC W. HILFERS  
GEORGE F. SCHOEN  
ERIK R. TAVZEL  
CRAIG F. ARCELLA  
TEENA-ANN V. SANKOORIKAL  
ANDREW R. THOMPSON  
DAMIEN R. ZOUBEK

LAUREN ANGELILLI  
TATIANA LAPUSHCHIK  
ERIC L. SCHIELE  
ALYSSA K. CAPLES  
JENNIFER S. CONWAY  
MINH VAN NGO  
KEVIN J. ORSINI  
MATTHEW MORREALE  
J. WESLEY EARNHARDT  
YONATAN EVEN  
BENJAMIN GRUENSTEIN  
JOSEPH D. ZAVAGLIA

SPECIAL COUNSEL  
SAMUEL C. BUTLER  
GEORGE J. GILLESPIE, III

OF COUNSEL  
PAUL C. SAUNDERS

October 17, 2012

*In re Merck & Co., Inc. Securities, Derivative & ERISA Litigation*  
The Consolidated Securities Action, No. 05-CV-02367

Dear Magistrate Judge Waldor:

We represent Defendants (other than Dr. Scolnick) in the above-captioned action. We write with respect to Plaintiffs' letter to the Court dated October 17, 2012 (the "October 17 Letter"), which seeks an extension of the time to respond to the issues raised in Defendants' October 16, 2012 letter to the Court (the "October 16 Letter") regarding Plaintiffs' October 1, 2012 Subpoena *Duces Tecum* (the "Subpoena") to Cornerstone Research ("Cornerstone"). Defendants do not oppose Plaintiffs' requested extension of the time to respond to the October 16 Letter.

This is primarily a discovery dispute between Plaintiffs and Cornerstone. Defendants filed the October 16 Letter solely for the purpose of asserting and preserving Merck's privilege and other legally protected interests in materials sought by certain Requests in the Subpoena. Defendants have not been party to any discussions between Plaintiffs and Cornerstone regarding the Subpoena, and Defendants only learned of the scheduled meet-and-confer between Plaintiffs and Cornerstone by way of Plaintiffs' October 17 Letter. Defendants would nonetheless be willing to participate in that meet-and-confer, if invited, or to meet and confer with Plaintiffs separately concerning the issues raised in the October 16 Letter.

Respectfully submitted,



Robert H. Baron

Honorable Cathy L. Waldor, U.S.M.J.  
United States District Court  
District of New Jersey  
Martin Luther King, Jr. Federal Building  
& U.S. Courthouse  
50 Walnut Street  
Newark, NJ 07101

VIA ELECTRONIC FILING

Copies to:

David A. P. Brower, Esq.  
Brower Piven  
A Professional Corporation  
488 Madison Avenue, Eighth Floor  
New York, New York 10022

Salvatore J. Graziano, Esq.  
Bernstein Litowitz Berger & Grossmann LLP  
1285 Avenue of the Americas  
New York, NY 10019

Mark Levine, Esq.  
Stull, Stull & Brody  
6 East 45th Street, 5th Floor  
New York, NY 10017

Richard H. Weiss, Esq.  
Milberg LLP  
One Pennsylvania Plaza  
New York, NY 10119

Paul B. Brickfield, Esq.  
Brickfield & Donahue  
70 Grand Avenue  
River Edge, NJ 07661

James E. Cecchi, Esq.  
Carella, Byrne, Bain, Gilfillan, Cecchi, Stewart & Olstein  
5 Becker Farm Road  
Roseland, NJ 07068

Alfred C. Decotiis, Esq.  
Decotiis, Fitzpatrick & Cole LLP  
Glenpointe Centre West  
500 Frank W. Burr Boulevard  
Teaneck, NJ 07666

Geoffrey C. Jarvis, Esq.  
Grant & Eisenhofer P.A.  
485 Lexington Avenue, 29th Floor  
New York, NY 10017

John A. Kehoe, Esq.  
Kessler Topaz Meltzer & Check LLP  
280 King of Prussia Road  
Radnor, PA 19087

William H. Gussman, Jr., Esq.  
Schulte Roth & Zabel LLP  
919 Third Avenue  
New York, NY 10022

Eric S. Parnes, Esq.  
Hughes Hubbard & Reed LLP  
1775 I Street, NW  
Washington, DC 20006

VIA EMAIL PDF

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